

28.04.2025  
SL.21  
Ct.No.28  
NB

**CRM (A) 1213 of 2025**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nabadwip P.S. Case No.133 of 2025 dated 25.02.2025 under Sections 69/351(2)/3(5) of Bharatiya Nyaya Sanhita (corresponding to SL Case No.128 of 2025) pending before the learned Judicial Magistrate, Nabadwip, Nadia.

And

In the matter of: Koushik Das ..... petitioner

Mr. Bitasok Banerjee,  
Mr. A. Salam.  
...for the petitioner.

Mr. Aritra Bhattacharya.  
...for the State.

Mr. Shibaji Kr. Das,  
Mr. Dipendu Sarkar.  
...for the de facto complainant.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The de facto complainant has alleged that the petitioner entered into a relationship with the de facto complainant by giving a promise to marry, but did not fulfill the same. The petitioner happens to be a 37 years old married lady having a daughter aged about 17 ½ years. The two became acquainted through facebook. The relationship, if any, was absolutely a consequential one between two adults.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He

submits that the mobile phone of the petitioner may contain certain objectionable pictures or videos. The same may be seized.

Learned counsel appearing on behalf of the State submits as follows. As per direction passed by this Court, the petitioner had given his mobile phone to the Investigating Officer who has seized it. However, the CFDEEL officers had said that they could not receive the mobile phone for forensic test due to unavailability of storage space.

In view of the nature of allegations, the fact that for some time the two had some kind of a relationship and as the phone in question has already been seized by the Investigating authorities, I do not think that custodial interrogation of the petitioner is required in this case

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition not to threaten or intimidate witnesses and to cooperate with the Investigating Officer.

The Director in Charge of CFDEEL, Salt Lake, West Bengal shall receive the mobile phone in question upon necessary receipt from the Investigating Officer within a fortnight from this date, have necessary forensic examination over the same done and give a report to the Investigating authorities as expeditiously as possible.

The application for anticipatory bail being **CRM(A) 1213 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

**(Jay Sengupta, J.)**